

IN THE CLAIMS:

Please cancel claim 6 without prejudice.

REMARKS

Claims 1-5 and 7-16 are pending in the application. Claim 6 has been canceled without prejudice by the present amendment as being drawn to a non-elected species.

Claims 1-3, 7-8 and 12-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hardeman (U.S. Patent 5,267,488). The rejection of claim 1 in particular is based on the Examiner's reading of claim 1 on selected features of Hardeman's "Drive Train Conversion Apparatus".

Applicants respectfully disagree with the Examiner's findings at least where the Examiner writes that Hardeman discloses a motor vehicle comprising:

".....a clutch (12) with a clutch actuator device including a hydraulic element (60), the clutch actuator device including a clutch release device (36) with a clutch release drive source (62)....., a control device....",

and further where the Examiner writes:

“The control device is operable to control the clutch in an automated mode”,

and further (in regard to claims 2 and 3):

“The clutch release drive source and the clutch release device are both integrated in the carrier element (see col. 5, lines 5-8).”

In response to the foregoing statements by the Examiner, Applicants note that the element (60), which the Examiner interpreted as a hydraulic device, is in fact the transmission input shaft. According to col. 4, line 68, to col. 5, line 4, the release bearing 36 is operating conventionally by apparatus including a lever (not shown) projecting from an operating shaft 62 housed in a bore 64 located in the adapter housing 10. The term “conventionally” in the context of an “early Volkswagen” (see col. 4, line 35), can only mean that the clutch is a “manually” operated clutch, as is also stated in col. 3, line 10 of the Hardeman reference. This view is further supported by the fact that Hardeman lacks a control device that is operable to control the clutch in an automated mode, as required by claim 1 of the present application. In other words, the Hardeman device can in no way be looked at as an automated clutch, and there is no “drive source” involved here other than the driver’s foot. Thus, the “clutch operating means” which are “provided integrally with the adapter housing 10” (col. 5, lines 5-8) obviously cannot include a drive source as required in claim 2.

As a conclusion of the foregoing argument, Applicants respectfully assert that Hardeman lacks at least the features that the clutch is automated, that it has an actuator with a drive source, and that there is a control device that operates the clutch in the automated mode. Therefore, Hardeman clearly fails to meet the criteria for anticipating claim 1 of the present application under 35 U.S.C. 102(b).

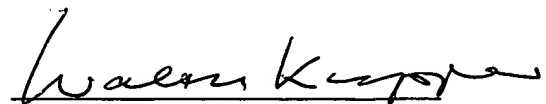
Since there are no other rejections against claim 1, Applicants respectfully submit that claim 1 should be allowed, and further that claims 2-5 and 7-16 should be allowed because they depend on what should be an allowed claim 1 and because the secondary references cited in the rejections of claims 4-5 and 9-11 under 35 U.S.C. 103(a) fail to cure the above-noted deficiencies of the primary Hardeman reference.

Based on the foregoing Amendment and Remarks, Applicants respectfully request allowance of the present application with claims 1-5 and 7-16.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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